IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Manjeet Singh. Versus Smt. Kiranjeet Kaur alias Gurpreet Kaur.

S.B. Criminal Misc. Petition No. 936/2006 against the order dated 9-6-2006 passed by the Additional Sessions Judge No.2, Sri Ganganagar, in Criminal Revision No.53/06.

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Date of Order: September 01, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. M.K. Garg, for the petitioner.
Mr. Devendra Singh Dev, for the non-petitioner.

BY THE COURT:

Heard learned counsel for the parties.

By the order dated 20-4-2006, the Judicial Magistrate No.2, Sri Ganganagar (for short, "the trial Court" hereinafter), on an application under Section 125 Cr.P.C. filed by the non-petitioner, during pendency of the main application, granted monthly allowance of interim maintenance @ Rs.2500/- in favour of the non-petitioner. That order was challenged by the petitioner before the Additional Sessions Judge No.2, Sri Ganganagar (for short, "the Revisional Court" hereinafter). By the order dated 9.6.2006, the revision petition filed by the petitioner was dismissed.

I have heard learned counsel for the parties and perused the orders passed by both the courts below.

It is contended by the learned counsel for the petitioner that the petitioner has filed the revenue records and Jamabandi of the land which fall in his share. According to the learned counsel, the total land comes to his share is 6 Kilas, may be about 10 Bighas. The trial Court granted interim maintenance @ Rs.2500/- per month. Learned counsel submits that the petitioner has no source of income except the income from the agricultural land which falls in his share and, therefore, a sum of Rs.2500/- per month as the interim maintenance is an excessive amount.

Having regard to the facts and circumstances of the case and the fact that it is an interim maintenance, instead of

Rs.2500/- per month, a sum of Rs.2000/- per month to maintain an adult person would be an appropriate amount for interim maintenance. To this extent, the impugned orders deserve to be modified.

Consequently, the criminal miscellaneous petition is partly allowed; the order dated 20-4-2006 passed by the trial Court and affirmed by the Revisional Court vide impugned order dated 9-6-2006, are modified to the extent that the non-petitioner is entitled for the interim maintenance @ Rs.2000/- per month, instead of Rs. 2500/- from the petitioner. Learned counsel for the petitioner submits that the petitioner would pay the arrears of interim maintenance and will continue to pay the monthly allowance of interim maintenance @ 2000/- per month. The arrears of interim maintenance shall be paid within two months from today.

(H.R. PANWAR), J.

mcs